

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Matthew Thomas Pickens, Jr., a/k/a) Civil Action No.: 8:12-cv-02142-RBH
Matthew T. Pickens,)
)
 Plaintiff,)
)
)
 v.)
)
)
 Wayne McCabe; Fred B. Thompson;)
 Joseph McFadden; E. Holcomb; Ms.)
 Ann Shepard,)
)
 Defendants.)
)

Plaintiff Matthew Thomas Pickens, Jr., a state prisoner proceeding pro se, filed this action under 42 U.S.C. § 1983, alleging violations of his constitutional rights. The above-captioned Defendants filed a motion for summary judgment. Subsequently, Plaintiff filed a motion to voluntarily dismiss the action in order for him to exhaust his administrative remedies. Defendants responded in support of Plaintiff's motion. The matter is before the Court for review of the Report and Recommendation of United States Magistrate Judge Jacquelyn D. Austin, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina. The Magistrate Judge recommends that the Court grant Plaintiff's motion to dismiss and deem Defendants' motion moot.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The Court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation.

dation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

Neither party has filed objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation’ ”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is

ORDERED that Plaintiff’s motion to dismiss [ECF No. 53] is **GRANTED**, that Defendants’ motion for summary judgment [ECF No. 50] is deemed **MOOT**, and that Plaintiff’s complaint is **DISMISSED** without prejudice.

IT IS SO ORDERED.

s/ R. Bryan Harwell

R. Bryan Harwell
United States District Judge

Florence, South Carolina
April 15, 2013